

REGULAR MEETING OF THE  
CONCORD CITY COUNCIL/  
CITY COUNCIL SITTING AS THE  
LOCAL REUSE AUTHORITY  
CITY COUNCIL CHAMBER  
1950 PARKSIDE DRIVE  
CONCORD, CALIFORNIA  
TUESDAY, JULY 14, 2015

The Concord City Council met in a regular meeting in the City Council Conference Room located in Wing A at 1950 Parkside Drive at 5:30 p.m. on Tuesday, July 14, 2015, with Mayor Grayson presiding. All Councilmembers were present. The meeting was recessed and immediately reconvened in a closed session to: a) confer with Labor Negotiators pursuant to Government Code Section 54957.6 (verbal update). City Negotiators: Valerie Barone, City Manager; Laura Brunson, Director of Human Resources; Charles Sakai, Esq. and Don Turko of Renne, Sloan, Holtzman & Sakai. Employee Organizations: Administrative, Technical & Clerical Representation Unit and Field & Operations Representation Unit of International Brotherhood of Teamsters Local 856; Professional Representation Unit of OPEIU Local 29; Peace Officer Representation Unit of Concord Police Officers Association and Police Managerial Representation Unit of Police Management Association. Unrepresented Units: Executive, Management & Confidential Employees. b) confer with Real Property Negotiator pursuant to Government Code Section 54956.8. Property: Approximately 58 acres of United States Coast Guard-owned property along Olivera Road, known as Quinault Village and Victory Village. Negotiating Parties: Michael Wright - City of Concord; Captain James Ingasbe - USCG; Beverly Frietas - USCG. Under Negotiation: Price, Terms of Payment c) Conference with Real Property Negotiator pursuant to Government Code Section 54956.8. Property: Area within Concord Community Reuse Plan. Negotiating Parties: Michael Wright - City of Concord; Alan Lee - Department of Navy, BRAC Project Office. Under Negotiation: Price, Terms of Payment.

The meeting adjourned at 7:25 p.m. to reconvene in regular session in the Council Chamber.

The Concord City Council met in a regular meeting in the Council Chamber located at 1950 Parkside Drive at 7:30 p.m. on Tuesday, July 14, 2015, with Mayor Grayson presiding. The pledge of allegiance was led by Vice Mayor Hoffmeister. Minutes follow in abbreviated form per Resolution 3361 and Council Minutes of September 26, 1966.

ROLL CALL

COUNCILMEMBERS PRESENT: Edi Birsan, Dan Helix, Laura Hoffmeister,  
Ron Leone, Tim Grayson

STAFF PRESENT: Valerie Barone, City Manager; Mark Coon, City Attorney;  
Joelle Fockler, City Clerk; Guy Swanger, Chief of Police;  
Justin Ezell, Director of Public Works; Karan Reid,  
Director of Finance; Jeff Lewis, Director of Information  
Technology; Joan Carrico, Director of Parks and  
Recreation Services; Robert Ovidia, City Engineer;  
Jovan Grogan, Deputy City Manager

MEMBERS OF THE PUBLIC

WHO ADDRESSED THE COUNCIL:

Coire Reilly, Contra Costa Health Services; Jaime Perez, Concord; Lukas Yanni, Contra Costa County Climate Leaders; Patty Johnston, Concord; Susan Seeley, Concord; Margaret Hanlon-Gradie, AFL-CIO Labor Council; Dan Jameyson, Concord; Antonio Cambero, Concord; Lisa Jardine, Concord Employee; Rudy Gonzalez, Teamsters; Ernie Guerrero, Concord; Marcos Suarez, Windsor; Carlos Alarcon; Ed Basaldua, Concord; Jimmy Araujo, Concord; Tommy Wolf, Concord; Michael McKay, Concord; Ray Barbour, Concord

PUBLIC COMMENT PERIOD

Coire Reilly, Contra Costa Health Services, invited the public and the Council to a community workshop for the City of Concord's Bicycle, Pedestrian and Safe Routes to Transit Plan scheduled for Thursday, July 30, 2015, from 5:30 - 7:30 p.m. at the Centre Concord, 5298 Clayton Road.

Jaime Perez, Concord, expressed concerns about prowlers in the Kirkwood area and requested security guards be reinstated at each end of the Pavilion.

Lukas Yanni, Contra Costa County Climate Leaders, informed the Council about an energy efficiency financing program the City may qualify for through PG&E.

Patty Johnston, Concord, requested the Council chose a developer for the Reuse Project that provides good jobs with living wages, gives priority to Concord citizens; and she requested a Community Benefits Agreement be signed before the developer is selected.

Susan Seeley, Concord, spoke of the need for affordable housing and of attracting employers to Concord that offer a living wage.

Margaret Hanlon-Gradie, Contra Costa AFLCIO, requested support for the AFL-CIO's Good Jobs Concord proposals for the Reuse Project.

Dan Jameyson, Concord, spoke of support of the Teamsters, requested affordable housing, open space, and good living wage jobs for Concord residents through Labor Peace Agreements, Card Check Neutrality Agreements, respect for all current bargaining units, and a local hire policy.

Antonio Cambero, Concord, spoke as a City and union employee of the most recent proposal from the Council to the Teamsters and it not being in Concord's best interest and asked the Council to work in cooperation with the employees so that the phrase "Families Come First" is not just a slogan to promote Concord.

Lisa Jardine, Concord Employee, spoke of current negotiations with the Teamsters and the recent issue of retiree health care.

Rudy Gonzalez, Teamsters, spoke of the current negotiations and the lack of a Councilmember or the City Manager as a decision maker at the bargaining table, and expressed feeling there was a lack of leadership.

PRESENTATIONS – None

ANNOUNCEMENTS

City Clerk Joelle Fockler announced a recruitment to fill two positions on the Concord Pleasant Hill Health Care District Grant Committee to serve a four-year term ending June 30, 2019 and three positions on the Concord Pleasant Hill Care District Grant Committee to serve a two-year term ending June 30, 2017; and set Friday, August 21, 2015 at 5 p.m. as the deadline for receipt of applications by the City Clerk.

CITY COUNCIL  
MATTERS

APPROVAL OF MINUTES

Motion was made by Hoffmeister and seconded by Helix to approve the minutes for the meeting of June 23, 2015. Motion passed by unanimous vote of the Council.

2014-15 GRAND JURY REPORT NO. 1510 – Community Court

Motion was made by Hoffmeister and seconded by Helix to authorize the City Manager to respond to Contra Costa County 2014-15 Grand Jury Report No. 1510, relating to Community Court. Motion passed by unanimous vote of the Council.

**The Council then convened as the Local Reuse Authority.**

APPROVAL OF MINUTES – June 17, 2015 Special Meeting

This item was pulled by Councilmember Leone so he could abstain from the vote.

Motion by Helix and second by Birsan to approve the minutes of June 17, 2015. Motion passed by the following vote of the Authority:

AYES: Birsan, Helix, Hoffmeister, Grayson      NOES: None      ABSTAIN: Leone

AMENDMENT TO MASTER SERVICES AGREEMENT – ALH Urban & Regional Economics

Motion by Helix and seconded by Hoffmeister to approve an amendment to the existing Master Services Agreement for an amount not to exceed \$20,000; Local Reuse Authority Executive Director authorized to execute the amendment. Motion passed by unanimous vote of the Authority.

AMENDMENT TO MASTER SERVICES AGREEMENT – ARUP Inc.

Motion by Helix and seconded by Hoffmeister to approve an amendment to the Master Services Agreement for professional services in an amount not to exceed \$365,000; Local Reuse Authority Executive Director authorized to execute the amendment. Motion passed by unanimous vote of the Authority.

AMENDMENT TO MASTER PROFESSIONAL SERVICES AGREEMENT – Johnson Marigot Consulting, LLC

Motion by Helix and seconded by Hoffmeister to approve an amendment to the Master Professional Services in an amount not to exceed \$45,000; Local Reuse Authority Executive Director authorized to execute the amendment. Motion passed by unanimous vote of the Authority.

AMENDMENT TO MASTER SERVICES AGREEMENT – Law Offices of Craig Labadie

Motion was made by Helix and seconded by Hoffmeister to approve an amendment to the Master Services Agreement in an amount not to exceed \$12,000; City Attorney authorized to execute the amendment. Motion passed by unanimous vote of the Authority.

AMENDMENT TO MASTER SERVICES AGREEMENT FOR PROFESSIONAL SERVICES – Environmental Risk Services Corporation (ERS)

Motion was made by Helix and seconded by Hoffmeister to approve an amendment to the Master Services Agreement for Professional Services with ERS in an amount not to exceed \$105,000; Local Reuse Authority Executive Director authorized to execute the amendment. Motion passed by unanimous vote of the Authority.

AMENDMENT TO MASTER PROFESSIONAL SERVICES AGREEMENT – Burke, Williams & Sorensen, LLP

Motion was made by Helix and seconded by Hoffmeister to approve an amendment to the Master Professional Services Agreement in an amount not to exceed \$100,000; City Attorney authorized to execute the amendment. Motion passed by unanimous vote of the Authority.

AMENDMENT TO MASTER SERVICES AGREEMENT FOR PROFESSIONAL SERVICES – HR&A Advisors, Inc. (HR&A)

Motion was made by Helix and seconded by Hoffmeister to approve an amendment in an amount not to exceed \$90,000 with a performance period of July 1, 2015 – June 30, 2015; Local Reuse Authority Executive Director authorized to execute the amendment. Motion passed by unanimous vote of the Authority.

AMENDMENT TO AGREEMENT FOR LEGAL SERVICES – Ebbin Moser + Skaggs, LLP

Motion was made by Helix and seconded by Hoffmeister to approve an amendment to the Agreement for Legal Services with Ebbin Moser + Skaggs, LLP in an amount not to exceed \$90,000; City Attorney authorized to execute the amendment. Motion passed by unanimous vote of the Authority.

AMENDMENT TO MASTER AGREEMENT FOR PROFESSIONAL SERVICES – Garrity and Knisely

Motion was made by Helix and seconded by Hoffmeister to approve an amendment to the Master Agreement for Professional Services with Garrity and Knisely in the amount of \$100,000; City Attorney authorized to execute the amendment. Motion passed by unanimous vote of the Authority.

**The Local Reuse Authority then reconvened as the City Council.**

APPROVAL OF THIRTY-THREE (33) MASTER SERVICES AGREEMENTS FOR VARIOUS CONSULTANT SERVICES FOR CAPITAL IMPROVEMENT (CIP) PROJECTS

City Engineer Robert Ovadia presented a report, referring to the memorandum dated July 14, 2015, and reporting that the City Council Ad-Hoc Committee on Review of Contracts and Consultants (Councilmembers Helix and Leone) met on July 2<sup>nd</sup> and discussed the Master Services Agreements being brought forward, and after completing their review, directed staff to bring the Agreements to the full Council with a recommendation for approval.

City Engineer Ovadia stated that a Master Services Agreement (MSA) process is a more efficient means to authorize work for smaller CIP expenditures, and the purpose of the MSA process is to simplify and accelerate the delivery of small to medium-sized projects by pre-qualifying consultants and establishing a contractual relationship between the City and consulting firms. He noted that the MSA process is used by other cities and is considered a best practice.

City Engineer Ovadia reported that under the proposed Master Services Agreements, the City Engineer is authorized to approve up to \$50,000 for a Task Order, and Task Orders with compensation of more than \$50,000 would be brought to the Council for consideration. He noted that it is clear to all of the proposed firms that entering into an MSA pre-qualifies them for work but does not guarantee work. The process of pre-qualifying firms that desired to work through a MSA included a Request for Qualifications, to which staff received 118 Statements of Qualifications (SOQ) from firms related to a number of professional disciplines, or areas of expertise. The firms were separated into 13 disciplines for evaluation, including: Civil Design, Project/Construction Management and Inspection, Geotechnical and Materials Testing, California Environmental Quality Act and National Environmental Policy Act (CEQA /NEPA), Environmental Engineering, and Development Review. After a review of the SOQs based on disciplines, 50 firms were invited to participate in an interview process. The panel committees then selected the firms best suited to provide services for the City's projects and anticipated needs.

The firms selected to enter into Master Agreements are: Bellecci & Associates; Harrison Engineering, Inc.; Nichols Consulting Engineers, Chtd.; Pavement Engineering, Inc.; Diablo Engineering Group; Harris and Associates, Inc.; F.J. Kennedy and Associates, Inc.; CSG Consultants, Inc.; Swinerton Management & Consulting; Vali Cooper & Associates; Park Engineering; 4LEAF, Inc.; TBP Architecture, Inc.; SVA Architects, Inc.; Interactive Resources; JMEC Engineering, Inc.; Associated Right of Way Services, Inc.; Paragon Partners, Ltd.; Balance Hydrologics, Inc.; WRECO Engineers; TJKM Transportation Consultants; DKS Associates; McArdle Design; Golden Associates; LCC, Inc.; Mark Thomas & Company; Analytical Environmental Services; Rincon Consultants, Inc.; LSA Associates, Inc.; Kimley-Horn and Associates, Inc.; Kleinfelder West, Inc.; Neil O. Anderson & Associates; and Geocon Consultants.

Following questions by the Council, Mayor Grayson opened a public comment period, and receiving no public comment, closed the public comment period.

Following comments by the Council, a motion was made by Helix and seconded by Leone to approve 33 Master Services Agreements for various consultant services; and authorize the City Manager to execute the Agreements. Motion passed by unanimous vote of the Council.

#### INTERVIEWS FOR CITY TREASURER

City Clerk Joelle Fockler presented a report, referring to her memorandum dated July 14, 2015, and provided an overview of the format to be followed for the interviews.

Interviews were conducted in an open forum with candidate submitting applications for the unscheduled City Treasurer vacancy. Candidates included Gregory M. Grassi, Scott B. Hutchinson, Eric L. Maldonado, Timothy A. McGallian, John M. Pamer, Don Rollins, and James J. Ryan. Applicant Scott B. Hutchinson withdrew his application prior to the meeting. The applicants were given one minute prior to the interview questions for introductions. Each interview was 10 minutes.

The applicants concluded the question and answer period, and Mayor Grayson opened a public comment period.

Ed Basaldua, Concord, spoke in support of Eric Maldonado for City Treasurer.

Carlos Alarcon, spoke in support of Eric Maldonado for City Treasurer.

Marcos Suarez, Windsor, spoke in support of Eric Maldonado for City Treasurer.

Ernie Guerrero, Concord, spoke in support of Eric Maldonado for City Treasurer.

Jimmy Araujo, Concord, spoke in support of Eric Maldonado for City Treasurer.

Michael McKay, Concord, spoke in support of Eric Maldonado for City Treasurer.

Tommy Wolf, Concord, spoke in support of Eric Maldonado for City Treasurer.

Ray Barbour, Concord, spoke in support of Tim McGallian for City Treasurer.

Following comments by the City Council, Vice Mayor Hoffmeister called for the first round of ballots, which resulted in three votes for Timothy A. McGallian (Mayor Grayson, Vice Mayor Hoffmeister, and Councilmember Leone) and two votes for Eric L. Maldonado. (Councilmembers Birsan and Helix.)

ADOPTION OF RESOLUTION NO. 15-51 – Appointment of Timothy A. McGallian to City Treasurer

Motion was made by Hoffmeister and seconded by Leone to adopt Resolution No. 15-51 entitled, "A RESOLUTION APPOINTING TO FILL THE UNSCHEDULED VACANCY OF THE CITY TREASURER FOLLOWING AN APPLICATION AND INTERVIEW PROCESS." Motion passed by unanimous vote of the Council.

Tim McGallian then stepped down from his appointment as Planning Commissioner.

OATH OF OFFICE – City Treasurer

City Clerk Joelle Fockler administered the Oath of Office to appointed City Treasurer McGallian and had him sign a Certificate of Appointment.

CORRESPONDENCE

- a. Community Workshop for Concord's Bicycle, Pedestrian and Safe Routes to Transit Plan Flyer
- b. PG&E On-Bill Financing for Energy Efficiency Upgrades Flyers
- c. Letter dated July 14, 2015 from Central Labor Council of Contra Costa County AFL-CIO
- d. Benched Correspondence – Item No. 4b
- e. Benched Item No. 4B – email from Scott Hutchinson
- f. Memorandum from John Pamer dated July 14, 2015.

PUBLIC COMMENTS ON PRESENTATION ITEMS - None

CLOSED SESSION REPORTS - None

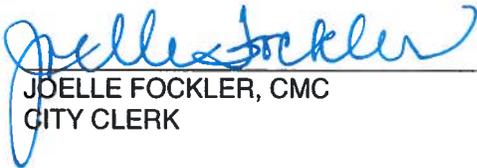
COUNCIL AND STAFF REPORTS

Councilmembers shared information on events and activities in which they had participated since the last meeting and commented on items of interest.

By order of the Mayor, the meeting was adjourned at 10:05 p.m. in honor of the 2015 Law Enforcement Torch Run Final Leg for Special Olympics World Summer Games.



TIMOTHY S. GRAYSON  
MAYOR



JOELLE FOCKLER, CMC  
CITY CLERK